EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-0151-PWS-E **TCEQ ID:** RN101205136 **CASE NO.:** 32507

RESPONDENT NAME: Church Hill Water Supply Corporation

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
1251, Rusk County TYPE OF OPERATION: Public water sup SMALL BUSINESS:X_Yes OTHER SIGNIFICANT MATTERS: The facility location.		al pending enforcement actions regarding this
COMMENTS RECEIVED: The Texas Reg	rister comment period expired on July 23, 2007. No	comments were received.
Steven Lopez, Enforcement Division Respondent: Mr. David Whitehea 75653	: Mr. Tel Croston, Enforcement Division, Enforcer	

RESPONDENT NAME: Church Hill Water Supply Corporation DOCKET NO.: 2007-0151-PWS-E

VIOLATION SUMMARY CHART: **VIOLATION INFORMATION CORRECTIVE ACTIONS** PENALTY CONSIDERATIONS TAKEN/REQUIRED **Ordering Provisions:** Type of Investigation: Total Assessed: \$1,207 Complaint X Routine Total Deferred: \$241 The Order will require the Respondent to: Enforcement Follow-up X Expedited Settlement Records Review a. Within 30 days after the effective date of Financial Inability to Pay this Agreed Order; Date(s) of Complaints Relating to this i. Repair and begin maintaining the Case: None SEP Conditional Offset: \$0 exterior coating on the ground storage tank; and Date of Investigation Relating to this **Total Paid to General Revenue: \$966** Case: November 14, 2006 ii. Replace the door to the housing for the **Site Compliance History Classification** chlorination equipment and begin Date of NOE Relating to this Case: __ High __ Average __ Poor maintaining it. January 9, 2007 (NOE) Person Compliance History Classification b. Within 45 days after the effective date Background Facts: This was a routine __ High ___ Average __ Poor of this Agreed Order, submit written investigation. Five violations were certification as described below in documented. Major Source: ___ Yes _X_ No Ordering Provision d., and include detailed supporting documentation WATER Applicable Penalty Policy: September 2002 including photographs, receipts, and/or other records to demonstrate compliance 1) Failure to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. with Ordering Provision a. Specifically, a facility with 129 c. Within 90 days after the effective date of connections should provide a minimum this Agreed Order; capacity of 77 gpm. At the time of the inspection, the total capacity was only 50 gpm, a 35% deficiency [30 Tex. ADMIN. i. Provide a well capacity of not less than CODE § 290.45(b)(1)(C)(i) and TEX. 0.6 gpm; HEALTH & SAFETY CODE § 341.0315(c)]. ii. Provide a minimum pressure tank capacity of 20 gallons per connection; and 2) Failure to provide a pressure tank capacity of 20 gallons per connection. Specifically, a facility with 129 iii. Provide a minimum storage tank capacity of 200 gallons per connection. connections should have a tank capacity of 2,580 gallons. At the time of the d. Within 105 days after the effective date inspection, the total capacity was 2,000 of this Agreed Order, submit written gallons, a 22% deficiency [30 Tex. ADMIN. CODE § 290.45(b)(1)(C)(iv) and Tex. certification including detailed supporting documentation and/or other records to HEALTH & SAFETY CODE § 341.0315(c)]. demonstrate compliance with Ordering Provision c. 3) Failure to provide a total storage capacity of 200 gallons per connection. Specifically, a facility with 129 connections should have a total storage capacity of 25,800 gallons. At the time of the inspection, the total capacity was 22,000 gallons, a 15% deficiency [30 Tex. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 4) Failure to maintain the ground storage

tank in accordance with American Water

RESPONDENT NAME: Church Hill Water Supply Corporation **DOCKET NO.:** 2007-0151-PWS-E

Works Association standards. Specifically, at the time of the inspection, the exterior of the tank showed signs of deterioration [30 Tex. Admin. Code § 290.43(c)(8)].	
5) Failure to maintain the housing for the gas chlorination equipment. Specifically, at the time of the inspection, the door needed to be repaired or replaced [30 Tex. ADMIN. CODE § 290.46(m)].	

•

	Policy Revision 2 (Sep	Penalty Calculatio	on Works	sheet (P	•	December 8, 2006
TCEC	3					
DATE	ES Assigned PCW	22-Jan-2007 1-Feb-2007 Screening 1-Feb-2007	EPA Due			The state of the s
RESI	PONDENT/FACILITY					
		Church Hill Water Supply Corporation				
	Reg. Ent. Ref. No. Facility/Site Region		Major/	Minor Source	Minor	90,000 O
CASI	E INFORMATION Enf./Case ID No.	32507	¬ No.	of Violations	5	
		2007-0151-PWS-E		Order Type		The state of the s
		Public Water Supply	Enf	. Coordinator	Tel Croston EnforcementTeam 2	
	Multi-Media Admin. Penalty \$		\$1,000	EC S Team	Linorcement eam 2	ar and a second
		Penalty Calcul	ation Sec	tion	•	
TOT	TAL BASE PENAI	TY (Sum of violation base penalt	ies)		Subtotal 1	\$1,150
A D 1	HICTRIENTO (+/)	TO SUBTOTAL 4				
ADJ		TO SUBTOTAL 1 ined by multiplying the Total Base Penalty (Subtotal 1)	by the indicated per	rcentage.		
	Compliance Hist	ory 5°	6 Enhancement	Subt	otals 2, 3, & 7	\$57
	Notes	Respondent was issued one NOV for the		type violation		anno contra de la contra del la con
	Notes	in the past five y	ears.	-		Account approprie
	Culpability	No 1888 1888 0	% Enhancement		Subtotal 4	\$0
		A constitution of the cons]	- 000
1	Notes	Respondent does not meet the	culpability crite	eria.		aecontillative
	· 6 - 4 F-10- F#-	44- Chambi	V		Subtotal 5	\$0
	Good Faith Effor	Before NOV NOV to EDPRP/Settlement Offe	% Reduction er		Subtotal 5	ΨΟ
	Extraordinary					re-manacov/door
	Ordinary N/A					
Medium Programme and Programme	, IN/A				1	
	Notes	The Respondent does not meet	the good faith ci	riteria.		
		Alberta Communication of the C	0/	et silvina a con en .	Subtotal 6	\$0
Economic sections		Total EB Amounts \$1,189 *Capp	% Enhancement* ned at the Total EB	\$ Amount	Subtotal o	ΨΟ
	Approx	Cost of Compliance \$16,250				
sui	M OF SUBTOTAL	S.1-7			Final Subtotal	\$1,207
					AND THE RESERVE OF THE PARTY OF	
		S JUSTICE MAY REQUIRE	20 for 20		Adjustment	\$0
Redu	ces or ennances the Final	Subtotal by the indicated percentage. (Enter number of	only, e.g30 for -30	70.)	1	
	Notes					
				Final Da	enalty Amount	\$1,207
				rillai Pe	enalty Amount	φ1,201
STA	ATUTORY LIMIT	ADJUSTMENT		Final Ass	essed Penalty	\$1,207
DE	FERRAL		20%	Reduction	Adjustment	-\$241
		nalty by the indicted percentage. (Enter number only;	e.g. 20 for 20% red	luction.)	7	
	Notes	Deferral offered for exped	ited settlement			
	110163	Bolonal offord for exped				
PA'	YABLE PENALTY					\$966

PAYABLE PENALTY

Docket No. 2007-0151-PWS-E

PCW

Respondent Church Hill Water Supply Corporation

Case ID No. 32507

Policy Revision 2 (September 2002) PCW Revision December 8, 2006

Enter Number Here

Reg. Ent. Reference No. RN101205136

Component Number of...

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Compliance History Worksheet
>> Compliance History Site Enhancement (Subtotal 2)

NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
10.1	Other written NOVs	0 .	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	the state of the state of	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	. 0	0%
Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0% .:
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Pleas	se Enter Yes of No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	Nö	0%
	Participation in a voluntary pollution reduction program	, No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	ercentage (Sเ	ıbtotal 2) [
it Violator (Su	btotal 3)		
-N/ <i>F</i>	Adjustment P	ercentage (St	ıbtotal 3) [
liance History	Person Classification (Subtotal 7)		
N/A	Adjustment P	ercentage (Sเ	ıbtotal 7) [
liance History	Summary		
Compliance History Notes	Respondent was issued one NOV for the same or similar type violation in the past five	e years.	

Screening Da	te 1-Feb-2007		Docket No. 2007-015	1-PWS-E	PCW
Responde	nt Church Hill Water	r Supply Corporation		Policy Rev	rísion 2 (September 2002)
Case ID N	o. 32507			PCW R	evision December 8, 2006
Reg. Ent. Reference N	o. RN101205136				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	e] Public Water Sup	pply			
Enf. Coordinat					EDOXIZON/EDO
Violation Numl	per 1				VOCUMPA-VOCO
Rule Cite	(s) 30 Tex. Ad		(1)(C)(i) and Tex. Health 1.0315(c)	& Safety Code §	nonovoje vigi okazulazava
Violation Descript	Specifically, a fa	acility with 129 connect time of the inspection,	6 gallons per minute ("g ions should provide a m the total capacity was o eficiency.	nimum capacity of 77	
* .				Base Penalty	\$1,000
>> Environmental, Propert	v and Human He	alth Matrix	aray na shinga katikata a ka	CHICLE NECES	TOLONOCIO
		Harm			ori menerol
Relea	r	loderate Minor			MANAGERO
OR Act				100/1	
Poter	tial	X	Percent	10%	
>>Programmatic Matrix			25.8178.218970233		
Falsificati	on Major M	loderate Minor	9494831172		•
	I Major I		Percent	0%	
		1[_		
			at are protective to hum	of a significant amount an health and the	
	20 julija (j. 1913) Synito and ilinalista (j. 1913)	N. S.	Adjustmen	t \$900	
					\$100
					······
Violation Events	Maria de desenta de la constitui	100 m	Applications to the control of the c	MARKET STANFORD OF STANFORD	
Number o	Violation Events	7	79 Number o	of violation days	
, tamos o	Tiolation Everne			.,,	
	daily				
	monthly				
mark only o	3	X	•	/iolation Base Penalty	\$100
. with an a	Jonnam		The second secon		
	annual single event				* *
	Single evenu				
One qua	rterly event is recomm	mended from the date of date of screening (Fe	of the investigation (Nov bruary 1, 2007).	ember 14, 2006) to the	
Economic Benefit (EB) for	this violation		er isticut: 19 Statuto	ry Limit Test	
Estim	ated EB Amount	\$36	Violat	ion Final Penalty Total ً	\$105
					A 100
		This violation	n Final Assessed Pena	ty (adjusted for limits)	\$105

). 1	Supply				Percent Interest	Years of Depreciation
					Carta Adams	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Descriptio						and the second s	•
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)		car transmitting	SCOOL ACTION FOR STANKING	0,0	\$0	\$0	\$0
Engineering/construction	\$5,000	14-Nov-2006	24-Nov-2007	1,0	\$17	\$342	\$360
Land	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			0.0	\$0	n/a	\$0
Record Keeping System	Property of the second	the marginal of the same	The second second second	0.0	\$0	n/a	\$0
Training/Sampling			W1::	0.0	\$0	n/a	\$0
Remediation/Disposal		والمراجع المراجع		0.0	\$0	n/a	\$0
Permit Costs		i i i i i i i i i i i i i i i i i i i	Akda i Simin militari ya Manazari ya	0.0	\$0	n/a	\$0
Other (as needed)	Elementaria de la constanta de	Manager 1		0.0	\$0	n/a	\$0
				date of	compliance.		
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling	S ANN	UALIZE [1] avoide			item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	S ANN	UALIZE [1] avoide		ntering 0.0 0.0 0.0 0.0		one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	s ANN	UALIZE [1] avoid		0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	s ANN	IUALIZE [1] avoide		ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	S ANN	UALIZE [1] avoide		0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	dla y			ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	S ANN			ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

	No. 2007-0151-PWS-E	-Feb-2007 Docke	Screening Date
ion 2 (September 2002	Policy Re	Church Hill Water Supply Corporation	_
rision December 8, 200	PCW F	2507	Case ID No. :
		RN101205136	Reg. Ent. Reference No. I
		Public Water Supply	Media [Statute] ।
		el Croston	Enf. Coordinator_
		2	Violation Number
	ex. Health & Safety Code § 341.0315(c)	0 Tex. Admin. Code § 290.45(b)(1)(C)(iv) and [™]	Rule Cite(s)
	capacity of 2,580 gallons. At the time of	Failed to provide a pressure tank capacity of 2 acility with 129 connections should have a tank the inspection, the total capacity was 2	Violation Description
\$1,00	Base Penalty	•	
		nd Human Health Matrix	> Environmental, Property a
		Harm	**************************************
		Major Moderate Minor	Release
	Percent 10%		OR Actual Potential
	10/0	X	Potential
			>Programmatic Matrix
	System (1)	Major Moderate Minor	Falsification
	Percent 0%		
			1. 이번 보이트를 함
	h	1 1	1. : : : : : : : : : : : : : : : : : : :
	comers of the water system could be	num pressure tank capacity is not provided, cus	If the mini
	comers of the water system could be not exceed levels that are protective of	num pressure tank capacity is not provided, cus gnificant amounts of contaminants which would	Matrix exposed to s
	comers of the water system could be not exceed levels that are protective of	num pressure tank capacity is not provided, cus gnificant amounts of contaminants which would human health.	Matrix Notes If the mini exposed to s
	not exceed levels that are protective of	gnificant amounts of contaminants which would	Matrix exposed to s
	comers of the water system could be not exceed levels that are protective of Adjustment \$900	gnificant amounts of contaminants which would	Matrix exposed to s
\$11	not exceed levels that are protective of	gnificant amounts of contaminants which would	Matrix exposed to s
\$10	not exceed levels that are protective of	gnificant amounts of contaminants which would	Matrix exposed to s
\$10	not exceed levels that are protective of	gnificant amounts of contaminants which would	Notes exposed to s
\$10	Adjustment \$900	gnificant amounts of contaminants which would human health.	Notes exposed to s
\$10	not exceed levels that are protective of	gnificant amounts of contaminants which would human health.	Notes exposed to s
\$10	Adjustment \$900	gnificant amounts of contaminants which would human health.	Notes exposed to s
\$10	Adjustment \$900	gnificant amounts of contaminants which would human health. ation Events 1	Notes exposed to s
\$10	Adjustment \$900 Number of violation days	gnificant amounts of contaminants which would human health. ation Events 1 daily monthly	Notes exposed to s
	Adjustment \$900	gnificant amounts of contaminants which would human health. ation Events 1 daily monthly quarterly x	Notes exposed to s
	Adjustment \$900 Number of violation days	gnificant amounts of contaminants which would human health. ation Events 1 daily monthly quarterly x semiannual	Notes exposed to s liolation Events Number of Vice mark only one
	Adjustment \$900 Number of violation days	gnificant amounts of contaminants which would human health. ation Events 1 daily monthly quarterly x	iolation Events Number of Vice
	Adjustment \$900 Number of violation days	gnificant amounts of contaminants which would human health. ation Events 1 daily	Notes exposed to s Violation Events Number of Vio
	Adjustment \$900 Number of violation days Violation Base Penalty	gnificant amounts of contaminants which would human health. ation Events 1	Notes exposed to s /iolation Events Number of Vice mark only one with an x
	Adjustment \$900 Number of violation days Violation Base Penalty vestigation (November 14, 2006) to the	gnificant amounts of contaminants which would human health. ation Events 1 daily	Notes exposed to s /iolation Events Number of Vice mark only one with an x
	Adjustment \$900 Number of violation days Violation Base Penalty vestigation (November 14, 2006) to the	gnificant amounts of contaminants which would human health. ation Events 1	Notes exposed to s /iolation Events Number of Vice mark only one with an x
	Adjustment \$900 Number of violation days Violation Base Penalty vestigation (November 14, 2006) to the	ation Events 1 daily wonthly quarterly x semiannual single event y event is recommended from the date of the ir date of screening (February	Notes exposed to s /iolation Events Number of Vice mark only one with an x
	Adjustment \$900 Number of violation days Violation Base Penalty Vestigation (November 14, 2006) to the , 2007).	ation Events 1 daily wonthly quarterly x semiannual single event y event is recommended from the date of the ir date of screening (February	/iolation Events Number of Vice mark only one with an x One quarter Economic Benefit (EB) for th

Economic Benefit Worksheet Respondent Church Hill Water Supply Corporation Case ID No. 32507 Reg. Ent. Reference No. RN101205136 Media Public Water Supply Percent Interest Depreciation Violation No. 2 5.0 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs ... EB Amount Item Description No commas or \$ All March Market Communication of the Communication **Delayed Costs** 0.0 0.0 0.0 Equipment Buildings \$0 \$0 Other (as needed) \$0 Engineering/construction 15-Dec-2007 21.1 \$18 \$362 \$380 0.0 \$0 n/a \$0 Record Keeping System 0.0 0,0 Training/Sampling n/a Remediation/Disposal 0.0 Permit Costs Other (as needed) n/a Estimated cost to provide the required pressure tank capacity. The Date required is the investigation date. Final Notes for DELAYED costs date is the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.0 Disposal Personnel 0.0 Inspection/Reporting/Sampling 0.0 0.0 Supplies/equipment \$0 \$0 \$0 Financial Assurance [2] ONE-TIME avoided costs [3] 0,0 Other (as needed) Notes for AVOIDED costs Tennanda Established to the second of the se \$5,000 TOTAL \$380 Approx. Cost of Compliance

Screening	Date 1-Feb-2007	Do	ocket No. 2007-015	I-PWS-E	PCW
Respon	ndent Church Hill Wate	er Supply Corporation		Policy Re	vision 2 (September 2002)
	D No. 32507			PCW R	evision December 8, 2006
Reg. Ent. Reference	e No. RN101205136		•		
Media [St	atute] Public Water Su	pply			
	nator Tel Croston		•		
Violation N					
Rule	Cite(s) 30 Tex. Admin.	Code § 290.45(b)(1)(C)(ii) a	and Tex. Health & Safe	ety Code § 341.0315(c)	,
Violation Desc	ription facility with 129	de a total storage capacity o connections should have a ne inspection, the total capa	a total storage capacity	of 25,800 gallons. At	
	L			Base Penalty[\$1,000
>> Environmental, Prop	perty and Human He	ealth Matrix			-
		Harm			
OR	Release Major I Actual	Moderate Minor			
	otential	x	Percent	10%	

>>Programmatic Matrix	\$	2000	AND		
Falsi	fication Major I	Moderate Minor			
			Percent	0%	
				W	
Matrix Notes The	ne lack of storage tank ca nt of contaminants to en	apacity could result in water ter the water supply which human healt	would not exceed leve	allowing a significant els that are protective of	
64. M		TO THE STREET, SANSAGE HIGH RESIDENCE	Adjustmen	t \$900	
i da entrolatat est santa constitu	Sept Sign Sign and Shah	Section of the Control of the Contro	Aujustinei	Ψ	
					\$100
				NORMAL CONTRACTOR OF THE STATE	
Violation Events	Estatos en institutos (1911)	Established in State Continued	cattobian i i intiman	finishra maaran maakkalutasi.	
Numb	er of Violation Events		79 Number o	of violation days	
Numb	er or violation Events		79 INditiber	n violation days	
	daily				
	monthly				
mark	only one quarterly	X	,	Violation Base Penalty	\$100
wit	^{h an x} semiannual				
	annual				
	single event				
					1
One	e quarterly event is recor	mmended from the date of date of screening (Febr		ember 14, 2006) to the	
Economic Benefit (EB) for this violation		Statuto	ry Limit Test	
, F	stimated EB Amount	\$360	Violat	ion Final Penalty Total	\$105
Ţ.,		-			
	z a a j. k postava protektora na od 1860. na od 18	This violation	Final Assessed Pena	Ity (adjusted for limits)	\$105

Economic Benefit Worksheet Respondent Church Hill Water Supply Corporation Case ID No. 32507 Reg. Ent. Reference No. RN101205136 Media Public Water Supply Years of Percent Interest Violation No. 3 Depreciation 5.0 Final Date Item Cost **Date Required** Yrs Interest Saved Onetime Costs ... EB Amount Item Description No commas or \$ Iranias vilai **Delayed Costs** \$342 \$0 \$0 \$0 \$5,000 14-Nov-2006 24-Nov-2007 Equipment Buildings 1.0 0.0 0.0 \$17 Other (as needed) Engineering/construction 0,0 Land 0.0 n/a Record Keeping System Training/Sampling 0.0 n/a 0.0 n/a Remediation/Disposal 0,0 0,0 0,0 n/a Permit Costs n/a Other (as needed) n/a Estimated cost to increase storage capacity to 26,000 gallons. Date required is the investigation date. Final date Notes for DELAYED costs is the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.0 Personnel 0,0 0.0 inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] 0.0 Other (as needed) Notes for AVOIDED costs Approx. Cost of Compliance \$5,000 TOTAL \$360

Screening Date 1-	Feb-2007	Docket No. 2007-0151-PWS-E	PCW
Respondent Ch	nurch Hill Water Supply Corporation	i.	Policy Revision 2 (September 2002)
Case ID No. 32			PCW Revision December 8, 2006
Reg. Ent. Reference No. RN			
Media [Statute] Pu			
Enf. Coordinator Te			
Violation Number	4		
Rule Cite(s)	30 Tex. Ad	min. Code § 290.43(c)(8)	
	ssociation standards. Specifically, a	ge tank in accordance with American Wat at the time of the inspection, the exterior of signs of deterioration.	
>> Environmental Property and	d Human Haalth Matrix	Bas	se Penalty \$1,000
>> Environmental, Property and	o Human Health Watrix Harm		
OR Release Actual Potential	Major Moderate Minor	Percent 10%	
>>Programmatic Matrix			
Falsification	Major Moderate Minor		
		Percent 0%	
Matrix If the coating Notes	on the ground storage tank is not m tank integrity and reduction or loss	naintained, rust could develop and cause of pressure throughout the system. Adjustment	a loss of
Barry & Algorith Color to the color and the activities of the color of		•	6400
			\$100
Violation Events			GHALL STATE
			44000,0043,000,000,000,000,000,000,000
Number of Viola	tion Events 1	79 Number of violation da	ays
	daily monthly		
	quarterly x semiannual annual single event	Violation Ba	se Penalty \$100
One quarterly		ate of the investigation (November 14, 20 (February 1, 2007).	06) to the
Economic Benefit (EB) for this	violation	Statutory Limit T	3.000 (100,000,000,000,000,000,000,000,000,000
Estimated I	EB Amount	\$72 Violation Final Pe	enalty Total \$105
	This viol	ation Final Assessed Penalty (adjusted	d for limits) \$105

		ter Supply Corpor	ation				
Case ID No	32507						
Reg. Ent. Reference No	. RN101205136						
Media	a Public Water S	vlaqu					Years of
Violation No		-11-17				Percent Interest	Depreciation
	W. in part			1 j v	and the state of t	5.0	Transfer or server
	- (1965)			www.	100 E00 E00 E00 E00 E00 E00 E00 E00 E00	ŧ	1
rus foresime these in the less than	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Descriptio	n No commas or \$	E self-left clubber :				The lieuwith each	
			199				
Delayed Costs	s		agga in graphic block	de contrates.	di Arministra Librario de 1901 por pogr		
Equipment	\$1,000	14-Nov-2006	24-Nov-2007	1.0	\$3	\$68	\$72
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Screeni	ing Date	I-Feb-2007		Doc	ket No. 2007-01	151-PWS-E		PCW
	_	Church Hill Water	r Supply Corp	oration			Policy Rev	rision 2 (September 2002)
Cas	e ID No. 3	32507					PCW Re	evision December 8, 2006
Reg. Ent. Refere	ence No. I	RN101205136	•					
-		Public Water Sup	pply					An Andrews Hall Property of the Property of th
	rdinator ⁻							
Violatio	n Number	5		•				
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				TOX. Normit. O	3 = 00.70()			
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						Bas	e Penalty	\$1,000
>> Environmental, P	roperty a	nd Human He	alth Matrix		umbit Articology (C. 1996)			
			Harm	NA:				
65	Release	Major M	Moderate	Minor				
OR	Actual Potential				Percen	it 25%		
	roteritial	X			1 010011	2070		
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Economic Benefit (F	EB) for th	is violation	No. 1988 M		Statu	tory Limit Te	st	
	Estimated	EB Amount		\$18	Vio	lation Final Per	nalty Total	\$787
					· .	., ,		A 707
	an jaganga, nga wangyeri n		Th	iis violation Fi	nal Assessed Pe	naity (adjusted	for limits)	\$787

Reg. Ent. Reference No.	32507 RN101205136					Communication of the communica	1.1
TABLE CONTRACTOR OF THE STATE O	Public Water Su	ipply				Percent Interest	Years of
Violation No.	5					reiceili iliterest	Depreciation
12. Condition and Class Amina 21.					P. 41 (1886) Physical Ball (1886) (1886)	5.0	15
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Item Description	No commas or \$	ameralistic di Masable.	ericanisti in interioriale de la constanta de l La constanta de la constanta d			ALCHO SEE	A CONTRACTOR OF THE CONTRACTOR
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Engineering/construction			To the second Association Association	0.0	\$0	\$0	\$0
Lánd			The state of the s	0.0	\$0	n/a	\$0
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Rating:

Site Rating:

Compliance History Customer/Respondent/Owner-Operator: CN600649339 Church Hill Water Supply Corporation Classification: Regulated Entity: RN101205136 CHURCH HILL WSC Classification: ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2010008 LICENSE WATER LICENSING 2010008 Location: CR 331D AND FM 1251, Rusk County TCEQ Region: **REGION 05 - TYLER** Date Compliance History Prepared: February 15, 2007 Agency Decision Requiring Compliance History: Enforcement Compliance Period: February 15, 2002 to February 15, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Tel Croston Phone: 239-5717 Name: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A B. Any criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 05/12/2003 (35512)N/A 2 01/10/2007 (535502)E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) Date: 05/13/2003 (35512)Self Report? Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3) Description: Failure to equip all air compressor injection lines for pressure tanks with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank. Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i) 5A THC Chapter 341, SubChapter A 341.0315[G] Description: Failure to provide a well capacity of 0.6 gallons per minute per connection. Self Report? NO Classification: Moderate 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv) Citation: 5A THC Chapter 341, SubChapter A 341,0315[G] Description: Failure to provide a pressure tank capacity of 20 gallons per connection.

> 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii) 5A THC Chapter 341, SubChapter A 341.0315[G]

Failure to provide a total storage capacity of 200 gallons per connection.

Classification:

Moderate

Environmental audits. F.

Self Report?

Description:

Citation:

N/A

** *	N/A		621 - \$1,888 60 Ta - \$1 - \$1.88	and the second section of	p.	*	w a	
								ţ
Н.	Voluntary on-site co	mpliance assessment	dates.					
	N/A							
I.	Participation in a volu	ıntary pollution reducti	on program.					
	NI/A							

J. Early compliance.

G.

N/A

Type of environmental management systems (EMSs).

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CHURCH HILL WATER SUPPLY	§	
CORPORATION	§	
RN101205136	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0151-PWS-E

I. JURISPICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Church Hill Water Supply Corporation ("Church Hill WSC") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Church Hill WSC appear before the Commission and together stipulate that:

- 1. Church Hill WSC owns and operates a public water supply at the intersection of County Road 331D and Farm-To-Market Road 1251, Rusk County, Texas (the "Facility") that has approximately 129 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and Church Hill WSC agree that the Commission has jurisdiction to enter this Agreed Order, and that Church Hill WSC is subject to the Commission's jurisdiction.
- 3. Church Hill WSC received notice of the violations alleged in Section II ("Allegations") on or about January 14, 2007.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Church Hill WSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of One Thousand Two Hundred Seven Dollars (\$1,207) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Church Hill WSC has paid Nine Hundred Sixty-Six Dollars (\$966) of the

administrative penalty and Two Hundred Forty-One Dollars (\$241) is deferred contingent upon Church Hill WSC's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Church Hill WSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Church Hill WSC to pay all or part of the deferred penalty.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and Church Hill WSC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Church Hill WSC has not complied with one or more of the terms or conditions in this Agreed Order.
- 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Church Hill WSC is alleged to have:

- 1. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 Tex. ADMIN. CODE § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c), as documented during an investigation conducted on November 14, 2006.
- 2. Failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 Tex. ADMIN. CODE § 290.45(b)(1)(C)(iv) and Tex. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 14, 2006.
- 3. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 Tex. ADMIN. CODE § 290.45(b)(1)(C)(ii) and Tex. HEALTH & SAFETY CODE § 341.0315(c) as documented during an investigation conducted on November 14, 2006.
- 4. Failed to maintain the storage tanks in accordance with American Water Works Association standards, in violation of 30 Tex. ADMIN. CODE § 290.43(c)(8) as documented during an investigation conducted on November 14, 2006.
- 5. Failed to maintain the housing for the gas chlorination equipment in good working condition, in violation of 30 Tex. ADMIN. CODE § 290.46(m) as documented during an investigation conducted on November 14, 2006.

III. DENIALS

Church Hill WSC generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Church Hill WSC pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Church Hill WSC's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Church Hill Water Supply Corporation, Docket No. 2007-0151-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that Church Hill WSC shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Repair and begin maintaining the exterior coating on the ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - ii. Replace the door to the housing for the chlorination equipment and begin maintaining it, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.d., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 90 days after the effective date of this Agreed Order;
 - i. Provide a well capacity of not less than 0.6 gpm, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - ii. Provide a minimum pressure tank capacity of 20 gallons per connection, in accordance with 30 Tex. ADMIN. CODE § 290.45.
 - iii. Provide a minimum storage tank capacity of 200 gallons per connection, in accordance with 30 Tex. ADMIN. CODE § 290.45.

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d. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation and/or other records to demonstrate compliance with Ordering Provision 2.c.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section, Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3756

- 3. The provisions of this Agreed Order shall apply to and be binding upon Church Hill WSC. Church Hill WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Church Hill WSC shall be made in writing to the Executive Director. Extensions are not effective until Church Hill WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against Church Hill WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by

Church Hill Water Supply Corporation DOCKET NO. 2007-0151-PWS-E Page 5

facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Church Hill WSC, or three days after the date on which the Commission mails notice of the Order to Church Hill WSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	7/30/07. Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEO, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me:
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEO seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Name (Printed or typed)

Authorized Representative of

Church Hill Water Supply Corporation

Date President

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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